

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

**SUMMER LORRAINE JENSEN-TOFT**  
a.k.a. SUMMER LORRAINE JENSEN,  
SUMMER LORRAINE BLEUR,  
SUMMER LORRAINE TOFT  
22632 Formentor  
Mission Viejo, CA  
92691

Registered Nurse License No. 604446

Respondent.

Case No. 2006-243

OAH No. L-200670399

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on October 4, 2007.

It is so ORDERED September 4, 2007.

*LaTranene N Tate*

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARGARET ANN LAFKO,  
Supervising Deputy Attorney General  
3 LORETTA A. WEST, State Bar No. 149294  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101

6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2107  
8 Facsimile: (619) 645-2061

9 Attorneys for Complainant

10  
11 **BEFORE THE**  
12 **BOARD OF REGISTERED NURSING**  
13 **DEPARTMENT OF CONSUMER AFFAIRS**  
14 **STATE OF CALIFORNIA**

15 In the Matter of the First Amended Accusation  
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a.k.a. SUMMER LORRAINE JENSEN,  
18 SUMMER LORRAINE BLEUR,  
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22632 Formentor  
19 Mission Viejo, CA  
92691

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21 Registered Nurse License No. 604446

22 Respondent.  
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Case No. 2006-243

OAH No. L-200670399

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

25 In the interest of a prompt and speedy resolution of this matter, consistent with the  
26 public interest and the responsibility of the Board of Registered Nursing (Board), the parties  
27 hereby agree to the following Stipulated Surrender of License and Order which will be submitted  
28 to the Board for approval and adoption as the final disposition of the First Amended Accusation.

1 PARTIES

2 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
3 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
4 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
5 by Loretta A. West, Deputy Attorney General.

6 2. SUMMER LORRAINE JENSEN-TOFT (Respondent) is represented in  
7 this proceeding by attorney Donald B. Brown, whose address is 3848 Carson Street, Suite 206,  
8 Torrance, California 90503.

9 3. On or about August 14, 2002, the Board of Registered Nursing issued  
10 Registered Nurse License No. 604446 to SUMMER LORRAINE JENSEN-TOFT (Respondent).  
11 The License was in full force and effect at all times relevant to the charges brought in First  
12 Amended Accusation No. 2006-243 and will expire on March 31, 2006, unless renewed.

13 JURISDICTION

14 4. Accusation No. 2006-243 was filed before the Board of Registered  
15 Nursing and served on Respondent, with all other statutorily required documents, on June 9,  
16 2006. Respondent timely filed her Notice of Defense contesting the Accusation. First Amended  
17 Accusation No. 2006-243 was filed before the Board of Registered Nursing and superceded  
18 Accusation No. 2006-243. First Amended Accusation No. 2006-243 was served on Respondent,  
19 with all other statutorily required documents, on April 27, 2007, and is currently pending against  
20 Respondent. A copy of First Amended Accusation No. 2006-243 is attached as exhibit A and  
21 incorporated herein by reference.

22 ADVISEMENT AND WAIVERS

23 5. Respondent has carefully read, discussed with counsel, and fully  
24 understands the charges and allegations in First Amended Accusation No. 2006-243.  
25 Respondent also has carefully read, discussed with counsel, and fully understands the effects of  
26 this Stipulated Surrender of License and Order.

27 6. Respondent is fully aware of her legal rights in this matter, including the  
28 right to a hearing on the charges and allegations in the First Amended Accusation; the right to

confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the First Amended Accusation No. 2006-243, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 604446 for the Board of Registered Nursing's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board of Registered Nursing's Order accepting the surrender of her Registered Nurse License No. 604446 without further process.

## RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board of Registered Nursing may, without further notice or formal proceeding, issue and enter the following Order:

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**ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 604446, issued to Respondent SUMMER LORRAINE JENSEN-TOFT is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nursing License and the acceptance of the surrendered license by the Board of Registered Nursing shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Registered Nurse (R.N.) in California as of the effective date of the Board of Registered Nursing's Decision and Order.

15. Respondent shall cause to be delivered to the Board of Registered Nursing's both her wall license and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board of Registered Nursing shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in the First Amended Accusation No. 2006-243 shall be deemed to be true, correct and admitted by Respondent when the Board of Registered Nursing determines whether to grant or deny the petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 2006-243 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

May 10 06 02:04a Summer Jensen-Toft

(949) 215-7279

P.3

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BROWN &amp; BROWN

PAGE 07/18

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NO. 939 0002

19. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$8,500.00 (eight thousand five hundred dollars) prior to issuance of a new or reinstated license.

#### ACCEPTANCE

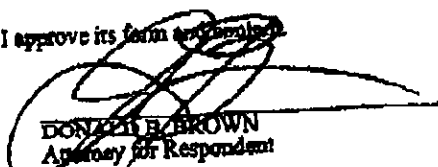
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Donald B. Brown. I understand the stipulation and the effect it will have on my Registered Nursing License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: APR 27 2007

  
SUMMER LORRAINE JENSEN-TOFT  
Respondent

I have read and fully discussed with Respondent SUMMER LORRAINE JENSEN-TOFT the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its terms and conditions.

DATED: APR 27 2007

  
DONALD B. BROWN  
Attorney for Respondent

#### ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

DATED: \_\_\_\_\_

EDMUND G. BROWN JR., Attorney General  
of the State of California

LORETTA A. WEST  
Deputy Attorney General

Attorneys for Complainant

1                   19.     Respondent shall pay the Board its costs of investigation and enforcement  
2 in the amount of \$8,500.00 (eight thousand five hundred dollars) prior to issuance of a new or  
3 reinstated license.

4   ACCEPTANCE

5                   I have carefully read the above Stipulated Surrender of License and Order and  
6 have fully discussed it with my attorney, Donald B. Brown. I understand the stipulation and the  
7 effect it will have on my Registered Nursing License. I enter into this Stipulated Surrender of  
8 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
9 Decision and Order of the Board of Registered Nursing.

10 DATED: \_\_\_\_\_

11   \_\_\_\_\_  
12 SUMMER LORRAINE JENSEN-TOFT  
13 Respondent

14                   I have read and fully discussed with Respondent SUMMER LORRAINE  
15 JENSEN-TOFT the terms and conditions and other matters contained in this Stipulated  
16 Surrender of License and Order. I approve its form and content.

17 DATED: \_\_\_\_\_

18   \_\_\_\_\_  
19 DONALD B. BROWN  
20 Attorney for Respondent

21   ENDORSEMENT

22                   The foregoing Stipulated Surrender of License and Order is hereby respectfully  
23 submitted for consideration by the Board of Registered Nursing.

24 DATED: 5/9/07

25 EDMUND G. BROWN JR., Attorney General  
26 of the State of California

26   \_\_\_\_\_  
27 LORETTA A. WEST  
28 Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**First Amended Accusation No. 2006-243**



1 EDMUND G. BROWN Jr., Attorney General  
of the State of California  
2 MARGARET ANN LAFKO  
Lead Supervising Deputy Attorney General  
3 LORETTA A. WEST, State Bar No. 149294  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2107  
Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
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11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
Against:

Case No. 2006-243

13 **SUMMER LORRAINE JENSEN-TOFT**  
aka SUMMER LORRAINE JENSEN,  
14 SUMMER LORRAINE BLEUER,  
SUMMER LORRAINE TOFT  
15 22632 Formentor  
Mission Viejo, CA 92691

**FIRST AMENDED  
ACCUSATION**

16 Registered Nurse License No. 604446

17 Respondent.

18 Ruth Ann Terry, M.P.H., R.N., Executive Officer ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the  
21 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

22 2. The original Accusation No. 2006-243, filed on May 26, 2006, is  
23 superceded by this First Amended Accusation No. 2006-243.

24 **License History**

25 3. On or about August 14, 2002, the Board of Registered Nursing issued  
26 Registered Nurse License Number 604446 to Summer Lorraine Jensen-Toft ("Respondent"), also  
27 known as Summer Lorraine Jensen, Summer Lorraine Bleuer, Summer Lorraine Toft. The  
28 license will expire on March 31, 2008, unless renewed.

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1 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or  
3 furnish or administer to another, any controlled substance as defined in Division 10  
(commencing with Section 11000) of the Health and Safety Code or any dangerous drug  
or dangerous device as defined in Section 4022.

4 (b) Use any controlled substance as defined in Division 10 (commencing with  
5 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
6 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
7 dangerous or injurious to himself or herself, any other person, or the public or to the  
8 extent that such use impairs his or her ability to conduct with safety to the public the  
9 practice authorized by his or her license.

10 (c) Be convicted of a criminal offense involving the prescription, consumption, or  
11 self-administration of any of the substances described in subdivisions (a) and (b) of this  
12 section, or the possession of, or falsification of a record pertaining to, the substances  
13 described in subdivision (a) of this section, in which event the record of the conviction is  
14 conclusive evidence thereof.

15 (d) Be committed or confined by a court of competent jurisdiction for intemperate  
16 use of or addiction to the use of any of the substances described in subdivision (a) and (b) of this  
17 section, or the possession of, or falsification of a record pertaining to, the substances described in  
18 subdivision (a) of this section, in which event the record of the confinement is prima facie  
19 evidence of such commitment or confinement.

20 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
21 entries in any hospital, patient, or other record pertaining to the substances described in  
22 subdivision (a) of this section.

## 23 REGULATIONS

24 9. California Code of Regulations, title 16, section 1442, states:

25 As used in Section 2761 of the code, 'gross negligence' includes an extreme  
26 departure from the standard of care which, under similar circumstances, would have  
27 ordinarily been exercised by a competent registered nurse. Such an extreme departure  
28 means the repeated failure to provide nursing care as required or failure to provide care or  
to exercise ordinary precaution in a single situation which the nurse knew, or should have  
known, could have jeopardized the client's health or life.

10 10. California Code of Regulations, title 16, section 1444, states:

11 A conviction or act shall be considered to be substantially related to the  
12 qualifications, functions or duties of a registered nurse if to a substantial degree it  
13 evidences the present or potential unfitness of a registered nurse to practice in a manner  
14 consistent with the public health, safety, or welfare. Such convictions or acts shall  
15 include but not be limited to the following:

16 . . . .

17 (c) Theft, dishonesty, fraud, or deceit.

18 ///

11. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

#### **COST RECOVERY**

12. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **DRUGS**

13. "Dilaudid," is a brand name for hydromorphone hydrochloride, is a Schedule II controlled substance under Health and Safety Code section 11055 (b)(1)(k) and a dangerous drug per Business & Professions code section 4022.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Conviction of Substantially Related Crimes)**

14. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivisions (a), (b), (c), and (d), in that on or about March 26, 2007, in a criminal proceeding entitled *People vs. Summer Lorraine Jensen-Toft* in Orange County Superior Court, Case Number 06NF4175 FA, Respondent was convicted of three separate felony counts, on her plea of guilty, for violating Penal Code section 11173(a) (Obtaining Controlled Substance by Fraud), a felony, and was sentenced to the following: three (3) years formal probation; ninety (90) days custody in county jail, stayed pending Respondent's participation and completion of a court-approved drug rehabilitation program; Respondent is prohibited from practicing registered nursing for two years or until this Board of Registered Nursing proceeding in Accusation Case No. 2006-243 is completed, whichever occurs first; and, pay \$200.00 restitution fees. The facts and circumstances underlying Respondent's criminal convictions are as follows:

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1           a.       On or about August 2, 2005, at 8:39 a.m., 10:00 a.m., 11:02 a.m.,  
2 11:34 a.m., 11:35 a.m., 12:50 p.m., 12:51 p.m., and 2:18 p.m., while on duty as a registered nurse  
3 at West Anaheim Medical Center Emergency Department, Respondent removed a total of  
4 10 mcg. of Dilaudid, 1 mcg. each, from her employers' AcuDose machine, without physicians'  
5 orders. Respondent documented administering 4 mcg. of Dilaudid, without physician's orders,  
6 leaving 6 mcg. of Dilaudid unaccounted for.

7           b.       On August 2, 2005, at 2:18 p.m. , and 3:39 p.m., while on duty as a  
8 registered nurse at West Anaheim Medical Center Emergency Department, Respondent removed  
9 a total of 4 mcg. of Dilaudid, 1 mcg. each, from her employers' AcuDose machine, without  
10 physicians' orders. Respondent made a duplicate entry of wastage of 1 mcg. of Dilaudid on  
11 August 2, 2005, at 4:23 p.m. leaving 2 mcg. or 3 mcg. of Dilaudid unaccounted for.

12           c.       On August 3, 2005, at 12:51 p.m., while on duty as a registered nurse at  
13 West Anaheim Medical Center Emergency Department, Respondent removed a total of 4 mcg. of  
14 Dilaudid from her employers' AcuDose machine, without physicians' orders, and documented  
15 administering 2 mcg. of Dilaudid, without physicians' orders, on August 3, 2005, at 3:40 p.m.  
16 leaving 2 mcg. of Dilaudid unaccounted for.

17           d.       On August 3, 2005, at 12:52 p.m. and 1:10 p.m., while on duty as a  
18 registered nurse at West Anaheim Medical Center Emergency Department, Respondent removed  
19 a total of 4 mcg. of Dilaudid, 1 mcg. each, from her employers' AcuDose machine, without  
20 physicians' orders, and documented she wasted a total of 4 mcg. of Dilaudid at 1:53 p.m. and  
21 2:00 p.m.

22           e.       On August 3, 2005, at 8:12 a.m., 9:02 a.m., 10:12 a.m., 10:15 a.m.,  
23 11:34 a.m., 11:37 a.m., 11:50 a.m., and 12:15 p.m., while on duty as a registered nurse at West  
24 Anaheim Medical Center Emergency Department, Respondent removed a total of 16 mcg. of  
25 Dilaudid, 2 mcg. each, from her employers' AcuDose machine, without physicians' orders.  
26 Respondent did not document administering or wasting any of these 16 mcg., leaving 16 mcg. of  
27 Dilaudid unaccounted for.

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1 charted the administration of 2 mcg. of Morphine Sulfate in the patient's Medication  
2 Administration Record and wasted the remaining 3 mcg. of Morphine Sulfate. However,  
3 Respondent failed to follow the physician's order by administering Morphine Sulfate instead of  
4 administering Toradal first, as requested in the order.

5 d. On February 28, 2003, at 0156 hours, Respondent withdrew 5 mcg. of  
6 Morphine Sulfate, a controlled substance, from the Pyxis machine for this patient. Respondent  
7 charted the administration of 2 mcg. of Morphine Sulfate in the patient's Medication  
8 Administration Record and wasted the remaining 3 mcg. of Morphine Sulfate. However,  
9 Respondent failed to follow the physician's order, to "try Toradal first," in that Respondent  
10 administered the Morphine Sulfate instead of first administering Toradal, as requested in the  
11 physician's order. Furthermore, Respondent charted the administration of the Morphine Sulfate  
12 to this patient at 0100 hours, almost one hour prior to withdrawing the Morphine Sulfate from the  
13 Pyxis machine for this patient.

14 e. On February 28, 2003, at 0300 hours, Respondent withdrew 5 mcg. of  
15 Morphine Sulfate, a controlled substance, from the Pyxis machine for this patient. Respondent  
16 charted the administration of 2 mcg. of Morphine Sulfate in the patient's Medication  
17 Administration Record and wasted the remaining 3 mcg. of Morphine Sulfate. However,  
18 Respondent failed to follow the physician's order, to "try Toradal first," in that Respondent  
19 administered the Morphine Sulfate instead of first administering Toradal, as requested in the  
20 physician's order. The order further stated that the medication was to be given every two hours  
21 for pain; however, Respondent administered the last two doses of Morphine Sulfate within one  
22 hour of each other, i.e., 0156 hours and 0300 hours. Respondent also failed to document the  
23 patient's pre- or post-administration pain level to support the administration of the medication to  
24 this patient.

25 f. On March 4, at 0155 hours, Respondent withdrew 5 mcg. of Morphine  
26 Sulfate, a controlled substance, from the Pyxis machine for this patient. Respondent charted the  
27 administration of 2 mcg. of Morphine Sulfate in the patient's Medication Administration Record  
28 and wasted the remaining 3 mcg. of Morphine Sulfate. However, Respondent failed to document

1 the patient's pre- or post-administration pain level to support the administration of the  
2 medication for this patient.

3 **Patient No. 112-62-02**

4 g. On February 28, 2003, at 2049 hours, Respondent removed 100 mcg. of  
5 Fentanyl Citrate, a controlled substance, from the Pyxis for this patient. Respondent charted the  
6 administration of 50 mcg. of Fentanyl Citrate in the patient's Medication Administration Record  
7 and wasted the remaining 50 mcg. of Fentanyl Citrate. However, Respondent failed to document  
8 in the nurse's notes the patient's pre- and post-administration pain assessment to support the  
9 administration of the medication for this patient.

10 h. On February 28, 2003, at 0003 hours Respondent removed 100 mcg. of  
11 Fentanyl Citrate, a controlled substance, from the Pyxis for this patient. Respondent charted the  
12 administration of 50 mcg. of Fentanyl Citrate in the patient's Medication Administration Record  
13 and wasted the remaining 50 mcg. of Fentanyl Citrate. However, Respondent failed to document  
14 in the nurse's notes the patient's pre- and post- pain assessment to support the administration of  
15 the medication for this patient.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Gross Negligence or Incompetence)**

18 17. Respondent is subject to disciplinary action under Code section 2761,  
19 subdivision (a)(1), on the grounds of unprofessional conduct, as defined in California Code of  
20 Regulations, title 16, section 1443, in that on August 2, 2005, and August 3, 2005, while working  
21 as a registered nurse at West Anaheim Medical Center Emergency Department,, Respondent  
22 committed acts constituting incompetence or gross negligence, as set forth in paragraphs 13(a)  
23 through 13(e), above.

24 18. Respondent is subject to disciplinary action under Code section 2761,  
25 subdivision (a)(1), on the grounds of unprofessional conduct, as defined in California Code of  
26 Regulations, title 16, section 1443, in that between June 17, 2002, and April 4, 2003, while  
27 employed at Hoag Memorial Hospital, in Newport Beach, California, Respondent committed acts  
28 constituting incompetence or gross negligence, as set forth in paragraph 15, above.



1 **PRAYER**


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 604446 issued  
5 to Summer Lorraine Jensen-Toft, aka Summer Lorraine Jensen, Summer Lorraine Bleuer,  
6 Summer Lorraine Toft;

7 2. Ordering Summer Lorraine Jensen-Toft, aka Summer Lorraine Jensen,  
8 Summer Lorraine Bleuer, Summer Lorraine Toft, to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
10 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: April 27, 2007

14  
15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 EXECUTIVE OFFICER  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant  
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